

REMARKS

The present amendment is submitted in response to the Office Action dated September 22, 2005, which set a three-month period for response, making this amendment due by December 22, 2005.

Claims 1-4 and 6-10 are pending in this application.

In the Office Action, the specification was objected to for various informalities. The drawings were objected to as failing to comply with 37 CFR 1.85(p)(5) for not including the reference numeral, 33, mentioned in the description. Claims 1-4 and 6-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,883,782 to Thurston et al. Claims 5 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Thurston et al in view of GB 2163598 A to Dearnaley et al.

In the present amendment, the specification was amended to add standard headings and to delete reference to the claims.

In addition, the specification was amended on page 9 to delete reference numeral 33, which refers to the projection, the "circular cylindrical peg", identified correctly in the drawings with reference numeral 7.

The claims were amended to address the stated objections by providing antecedent basis for a number of recited elements.

In addition, claim 1 was amended to add the features of claim 5, which was canceled, to more clearly define the present invention over the cited references.

Accordingly, amended claim 1 is directed to a heat sink with a main body for receiving at least one electronic component, and with a spring element for pressing the component onto the main body, whereby the spring element is held on the main body by a connecting means. The connecting means are configured as a push-on connection (15) and have a projection (7) on the main body (2) and a mounting opening (14) in the spring element (3) for the projection (7), whereby an opening edge (23) of the mounting opening (14) bears, at least in sections, against a lateral surface of the projection (7) under preload resulting from intrinsic elasticity of the spring element (3) and/or the projection (7). Amended claim 1 now defines further that a diameter (16) of the mounting opening (14) is greater than an associated diameter (17) of the projection (7).

The Applicant respectfully disagrees with the Examiner's position that the features of original claim 5 is made obvious over the combination of the Thurston and Dearnaley patents. Dearnaley et al do not show a receiving opening (apertures 13, 14) of the spring element (spring steel leaf 15), whose diameter is greater than the associated diameter of the projection (pins 9, 10).

For example, Fig. 1 of Dearnaley shows that the projection 9, 10 has a widened or thicker head, which is compressed upon insertion through the receiving opening 13, 14 of the spring element 15. After the head has penetrated the receiving opening 13, 14, it then can expand to its original diameter and thereby hold the spring element 15. To permit this, the diameter of the receiving opening 13, 14 must be SMALLER than the associated diameter of the projection 9, 10, contrary to the features of amended claim 1.

In addition, Dearnaley also fails to show the remaining features of amended claim 1. For example, the main body (plate 1) of the heat sink member 17) is NOT in the position to accommodate the electronic component (package 202). In addition, the main body 1 of Dearnaley shows separate pins 9, 10, not a single projection.

Finally, the opening edge of the receiving opening 13, 14 in Dearnaley DOES NOT bear, at least in sections, against a lateral surface of the projection (7) under preload resulting from intrinsic elasticity of the spring element (3) and/or the projection (7), as defined in amended claim 1, but instead on the heads of the pins 9, 10.

Because the cited combination of the Thurston and Dearnaley patents fail to disclose or suggest all of the features of amended claim 1, the rejection under 35 U.S.C. 103 must be withdrawn. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984). Here, the cited art fails to provide any such suggestion or incentive.

In addition, the cited patent to Thurston does not anticipate the subject matter of amended claim 1. Thurston does not show that the main body (heat sink 206) has a projection (post 212). In addition, the projection 212 of Thurston

is formed as separate pins 212, which can be inserted into the main body, but which are NOT fixedly connected to it.


In addition, Thurston discloses in column 4, lines 37-42 that the diameter of the receiving opening (tabbed openings 227a, b) is smaller than the associated diameter of the projection 212. ("The tabs are bent slightly downward and are configured such that the diameter of the openings at the ape of the tabs is slightly smaller than the diameter of the enlarged end portions 216 of posts 212").

Because Thurston does not disclose all of the features of amended claim 1, the rejection under Section 102 must be withdrawn. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicants respectfully submit that 1-4 and 6-10 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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